

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

UNITED STATES OF AMERICA, :

vs. :

CASE NO.: CR210-065

CHRISTOPHER YOUNG :

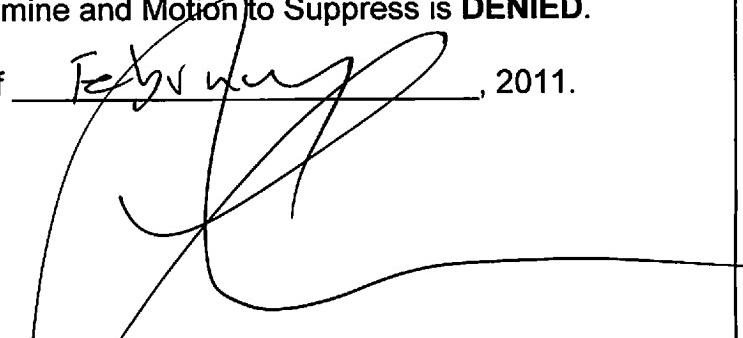
O R D E R

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Defendant Christopher Young ("Defendant" or "Young") contends that he did not give his consent for the search of the car, as is "reflected in the decision of the police officers on the scene to seek consent to search from other individuals." (Doc. No. 39, p. 6). However, Young's contention overlooks the standard applicable to this Fourth Amendment issue. The applicable standard is whether Officer Cameron Chance reasonably believed, at the time, that the unidentified man sitting in the car with the car keys had the authority to consent to a search of the car. While Officer Chance may not have displayed the best investigative skills by failing to ask for the unidentified man's name or having a search conducted of the license plate on the car, Officer Chance nonetheless acted reasonably and in accordance with the Fourth Amendment.

Likewise, Defendant's Objection to the Magistrate Judge's finding that Young was not in custody at the time Officer Chance asked him why he tried to bring a gun into the Double Eagle Club on the night in question is without merit. For the reasons stated by the Magistrate Judge, Young was not "in custody" at the time Officer Chance asked this question of him, and, accordingly, there was no necessity for Officer Chance to inform Young of his rights under Miranda v. Arizona, 384 U.S. 436 (1966).

Defendant's Objections to the Magistrate Judge's Report and Recommendation are **overruled**. Defendant's Motion in Limine and Motion to Suppress is **DENIED**.

SO ORDERED, this 7 day of February, 2011.


LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA